

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

NOTICE OF APPEAL FROM THE EXAMINER
TO THE BOARD OF APPEALS

8-24-7
AF
JFM

Appellant: Sabbatino

Serial No.: 10/809,298

Filed: March 25, 2004

For: A CONNECTION ARRANGEMENT FOR OPTICAL
COMMUNICATION SYSTEMS

Examiner: Kaveh C. Kianni

Art Unit: 2883

Confirmation No.: 1499

Customer No.: 27673 Previous Attorney Docket: 36040150 US-01
Current Attorney Docket: 0002656USU/3143

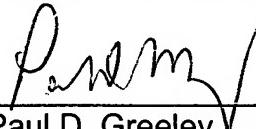
Mail Stop Appeal Brief-Patents
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

We are enclosing for filing in the above-identified application the following:

1. Appellant's Reply Brief (*in triplicate*);
2. Transmittal letter in duplicate; and
3. Postcard.

Please charge any additional fees or credit any such fees, if necessary to Deposit Account No. 01-0467 in the name of Ohlandt, Greeley, Ruggiero & Perle. A duplicate copy of this sheet is attached.

Respectfully submitted,

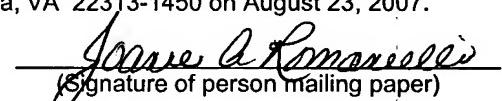


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant:

Sabbatino

Serial No.:

10/809,298

For:

A CONNECTION ARRANGEMENT FOR OPTICAL
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Filed:

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Examiner:

Kaveh C. Kianni

Art Unit:

2883

Customer No.:

27,623

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Current Attorney Docket No.: 0002656USU/3143

**Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

REPLY BRIEF FILED UNDER 37 C.F.R. §41.41

Dear Sir:

Appellant respectfully submits this Reply Brief in response to the Examiner's Answer dated June 25, 2007.

Status of the Claims

Claims 1-4 and 6-9 are pending in the present application. Claim 5 has been cancelled. Claims 3-4 and 6 have been allowed. Claims 1-2 and 7-9 are the subject of this appeal.

Appealed claims 1-2 and 7-9 are directed to the elected embodiment of an arrangement that includes an optical subassembly.

Independent claim 1, as well as dependent claims 2 and 7-9, were finally rejected under 35 U.S.C. §103 over U.S. Publication No. 2004/0146452 A1 to Fujieda et al. (Fujieda). The rejection of claims 1-2 and 7-9 is hereby appealed.

Grounds of rejection to be reviewed on appeal

The sole issue presented for review is the propriety of the final rejection of claims 1, 2 and 7-9 under 35 U.S.C. §103 over Fujieda.

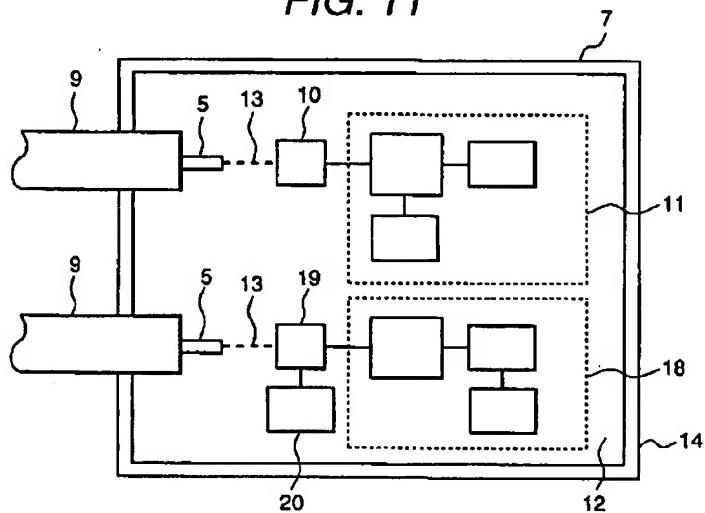
Arguments

Claims 1, 2 and 7-9 stand or fall together. The Final Office Action and Examiner's Answer improperly rejected claims 1, 2 and 7-9 under 35 U.S.C. §103 over Fujieda.

Independent claim 1 requires "an electrical subassembly", "an optical subassembly", and "an associated electrical connection including at least one electrical lead extending therebetween". Further, independent claim 1 requires "at least electrically non-conductive absorber body arranged to at least partly cover said at least one electrical lead (emphasis added)".

Again, Figure 11 is reproduced below for the convenience of the Board.

FIG. 11



The wire extending from laser driver circuit 11 to laser device 10 and the wires extending between circuit 18, PD 19, and element 20 were asserted as reading on the claimed "at least one electrical lead".

Appellant submits that Fujieda simply fails to disclose or suggest that these wires in Figure 11 are at least partially covered by absorbing material.

Rather, the only portion of Fujieda where a location of the electromagnetic wave absorbing layer is disclosed with respect to the asserted Figure 11 can be found in paragraph [0059]. In paragraph [0059], Fujieda discloses that the electromagnetic wave absorbing layer is arranged inside of metal cap 5. As is clearly seen from Figure 11, metal cap 5 does not "at least partly cover" any of the portions in Figure 11 that are asserted by the Office Action as being electrical leads.

The Examiner's Answer seems to only focus on the "non-conductive" limitation of claim 1 by highlighting all of the sections in Fujieda, namely paragraphs [0012], [0015], and [0020], that disclose Fujieda's absorption material. Here, the Examiner's Answer focuses its discussion on the electrical insulating organic material (i.e., rubber or resin) in which the natural schungite ore is mixed.

Thus, Appellant submits that Figure 11 of Fujieda does not disclose or suggest an electrically non-conductive absorber body arranged to at least partly cover the at least one electrical lead recited by claim 1.

Furthermore, the Examiner's answer seems to conclude that since the rubber or resin is electrically non-conductive, the resultant mixture with the specific ore material disclosed by Fujieda is also non-conductive. In fact, the Examiner's Answer asserts that if one were to assume Fujieda's absorption material to be electrically conductive, then shorts would occur. Based on this logic, the Examiner's Answer concludes that Fujieda's absorption material has to be non-conductive.

Appellants disagree.

Fujieda itself discloses that that the mixture (i.e., resin and the specific ore) is conductive and causes shorts. Specifically, Fujieda (in the embodiment of FIG. 10) discloses that it is necessary to first seal the wiring part with a resin that does not contain any ore, then cover the non-conducting resin (i.e., without the ore) with resin-

mix containing the ore. See paragraphs [0063] to [0066].

Thus, instead of disclosing that Fujieda's absorption material itself is electrically non-conductive (as concluded by the Examiner's Answer), Appellant submits that Fujieda explicitly discloses the need for a non-conductive (and non-absorbing) seal material before application of the absorption material for the very reason that the absorption material is electrically conductive.

Accordingly, Appellant submits that the resultant mixture of Fujieda (rubber/resin and ore) is electrically conductive and, thus, does not disclose or suggest the electrically non-conductive absorber body of claim 1.

In view of Appellant's assertion that the absorption material of Fujieda (rubber/resin and ore) is electrically conductive, Appellant offers the following summary of the embodiments asserted by the Examiner's Answer:

- (1) The embodiments shown in Figures 8 and 9 illustrate electrically conductive absorption material 1 covering the wiring;
- (2) The embodiment shown in Figure 10 illustrates electrically non-conductive material 16 covering the wiring, but this material 16 has no ore mixed in and is therefore not an absorbing material; and
- (3) The embodiment shown in Figure 11 illustrates electrically conductive absorption material 1 in metal caps 5, where these metal caps 5 do not cover any wiring.

In view of the above, Appellant respectfully submits that Fujieda fails to disclose or suggest all elements of claim 1. More particularly, Appellant respectfully submits that Fujieda fails to disclose or suggest an electrically non-conductive absorber body arranged to at least partly cover the at least one electrical lead extending between the electrical subassembly and the optical subassembly as recited by claim 1.

Accordingly, claim 1 is in condition for allowance. Claims 2 and 7-9 are also in condition for allowance for at least the reason that they depend from claim 1.

Reconsideration and withdrawal of the rejections to claims 1, 2, and 7-9 are therefore respectfully requested.

In summary, Appellant respectfully requests that the Board of Appeals reverse the final rejections of claims 1, 2 and 7-9, thereby enabling all of the pending claims to issue.

Respectfully submitted,

August 23, 2007



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